

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ROBERT DURST, :

Plaintiff, :

-against- :

RICHARD SIEGLER, JONATHAN DURST, :
and DOUGLAS DURST, individually and as co- :
trustees of the Robert Durst Trust u/a Dated :
May 1, 1962 and the Robert Durst Trust u/a Dated :
December 31, 1962, :

Defendants. :

REDACTED
DECLARATION --
ORIGINAL FILED UNDER
SEAL

Civil Action No.
04 CV 06981 (RMB)

DECLARATION OF
CHARLES G. MOERDLER

----- x

CHARLES G. MOERDLER, under penalty of perjury, declares:

1. I am a member of Stroock & Stroock & Lavan LLP, counsel for defendants Richard Siegler and Douglas Durst (collectively, with defendant Jonathan Durst, the "Defendants"), in the above-captioned action.
2. I submit this Declaration to present to the Court documents cited in, but not annexed to, Defendants' memorandum of law in support of their motion to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(1) or, in the alternative, to abstain from hearing this action in favor of parallel state proceedings in the New York State Surrogate's Court. The documents ("Defendants' Exhibits") accompany this declaration in two bound volumes.
3. Defendants' Exhibit A is a true copy of the Complaint in this action, dated August 30, 2004.
4. Defendants' Exhibit B is a true copy of the Petition for First Intermediate Accounting and Accounting, dated November 16, 2004, filed in New York State Surrogate's Court, Westchester County, with respect to Plaintiff's May 1962 Trust.

5. Defendants' Exhibit C is a true copy of the Petition for First Intermediate Accounting and Accounting, dated January 20, 2005, filed in New York State Surrogate's Court, Westchester County, with respect to Plaintiff's December 1962 Trust.

6. Defendants' Exhibit D is a true copy of the letter of the Honorable Anthony A. Scarpino, Jr., Westchester County Surrogate, appointing Robert Damast, Esq. as Plaintiff's Guardian *Ad Litem*, dated January 27, 2005.

7. Defendants' Exhibit E are true copies of (1) the Joint Discovery Order issued by Hon. Anthony A. Scarpino, Jr., dated March 15, 2005; and (2) the Discovery Order issued by Hon. Anthony A. Scarpino, Jr., dated January 12, 2005.

8. Defendants' Exhibit F is a true copy of the transcript of the deposition of **[REDACTED – FILED UNDER SEAL]**.

9. Defendants' Exhibit G is a true copy of the transcript of the deposition of **[REDACTED – FILED UNDER SEAL]**.

10. Defendants' Exhibit H is a true copy of the transcript of the deposition of **[REDACTED – FILED UNDER SEAL]**.

11. Defendants' Exhibit I are true copies of the cited pages to the transcript of **[REDACTED – FILED UNDER SEAL]**.

12. Defendants' Exhibit J are true copies of **[REDACTED – FILED UNDER SEAL]**.

13. Defendants' Exhibit K are true copies of **[REDACTED – FILED UNDER SEAL]**.

14. Defendants' Exhibit L are true copies of **[REDACTED – FILED UNDER SEAL]**.

15. Defendants' Exhibit M are true copies of **[REDACTED – FILED UNDER SEAL]**.
16. Defendants' Exhibit N are true copies of **[REDACTED – FILED UNDER SEAL]**.
17. Defendants' Exhibit O are true copies of **[REDACTED – FILED UNDER SEAL]**.
18. Defendants' Exhibit P are true copies of **[REDACTED – FILED UNDER SEAL]**.
19. Defendants' Exhibit Q is **[REDACTED – FILED UNDER SEAL]**.

20. Defendants' Exhibit R is a chart [REDACTED – FILED UNDER
SEAL].

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 29, 2005
New York, New York

/s/ Charles G. Moerdler
CHARLES G. MOERDLER